

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NANCY ANN MARSH
a.k.a. NANCY ANN HANCOCK
9660 NE Timberlane Place
Bainbridge, WA 98110

Registered Nurse License No. **117371**
Nurse Anesthetist License No. **740**

Respondent

Case No. 2010-587

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 26, 2010.**

IT IS SO ORDERED this **August 26, 2010.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2010-587

11 **NANCY ANN MARSH, AKA**
12 **NANCY ANN HANCOCK**
9660 NE Timberlane Place
13 Bainbridge, WA 98110
Registered Nurse License No. 117371
14 Nurse Anesthetist License No. 740

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
21 Board of Registered Nursing (Board), Department of Consumer Affairs, State of California. She
22 brought this action solely in her official capacity and is represented in this matter by Edmund G.
23 Brown Jr., Attorney General of the State of California, by Linda L. Sun, Deputy Attorney
24 General.

25 2. Nancy Ann Marsh, aka Nancy Ann Hancock (Respondent) is represented in this
26 proceeding by attorney Jeff Rogers, whose address is 393 E. Walnut, Second Floor, Pasadena,
27 California 91188.
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3. On or about January 8, 1959, the Board issued Registered Nurse License No. 117371 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

4. On or about July 17, 1984, the Board issued Nurse Anesthetist License No. 740 to Respondent. The Nurse Anesthetist License expired on May 31, 2008 and has not been renewed.

JURISDICTION

5. Accusation No. 2010-587 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 12, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2010-587 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2010-587. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following Order:

3 ORDER

4 IT IS HEREBY ORDERED that Registered Nurse License No. 117371 and Nurse
5 Anesthetist License No. 740 issued to Respondent Nancy Ann Marsh, aka Nancy Ann Hancock,
6 are surrendered and accepted by the Board of Registered Nursing.

7 15. The surrender of Respondent's Registered Nurse License and Nurse Anesthetist
8 License and the acceptance of the surrendered licenses by the Board shall constitute the
9 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline
10 and shall become a part of Respondent's license history with the Board.

11 16. Respondent shall lose all rights and privileges as a registered nurse in California as of
12 the effective date of the Board's Decision and Order.

13 17. Respondent shall cause to be delivered to the Board both her wall license certificates
14 and, if one was issued, pocket licenses on or before the effective date of the Decision and Order.

15 18. If Respondent ever files an application for licensure or a petition for reinstatement in
16 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
17 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
18 effect at the time the petition is filed, and all of the charges and allegations contained in
19 Accusation No. 2010-587 shall be deemed to be true, correct and admitted by Respondent when
20 the Board determines whether to grant or deny the petition.

21 19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated
22 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
23 in the amount of four thousand dollars (\$4,000.00). Respondent shall be permitted to pay these
24 costs in a payment plan approved by the Board.

25 20. Respondent shall not apply for licensure or petition for reinstatement for two (2)
26 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Jeff Rogers. I understand the stipulation and the effect it will have on my Registered Nurse License and Nurse Anesthetist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

6-24-2010

Nancy Ann Marsh
NANCY ANN MARSH, AKA
NANCY ANN HANCOCK
Respondent

I have read and fully discussed with Respondent Nancy Ann Marsh, aka Nancy Ann Hancock the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

6/25/10

Jeff Rogers
JEFF ROGERS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

6/28/10

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

[Signature]
LINDA L. SUN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2010-587

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2010-587

12 NANCY H. MARSH, AKA
NANCY ANN HANCOCK
13 8778 1/2 Wyngate Street
Sunland, CA 91040
14 Registered Nurse License No. 117371
Nurse Anesthetist License No. 740

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about January 8, 1959, the Board issued Registered Nurse License No. 117371
23 Nancy Ann Hancock, who is now known as Nancy H. Marsh (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on May 31, 2010, unless renewed.

26 3. On or about July 17, 1984, the Board issued Nurse Anesthetist License No. 740 to
27 Respondent. The Nurse Anesthetist License expired on May 31, 2008 and has not been renewed.
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5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 of the Code states:

"(a) Unprofessional conduct, . . ."

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9. At all times relevant to the matter herein, Respondent was a nurse anesthetist employed at Kaiser Permanente Panorama City Medical Center, California. On or about May 11, 2006, E.M. was a 58 year-old patient with chronic ear drum problems who was admitted to Kaiser Permanente's Day Surgery Center to undergo an elective tympanoplasty surgery. At about 0730 hours, Patient E.M. was brought to the operating room. Respondent set up the operating room

equipment (EKG, oxygen saturation monitor, precordial¹, capnograph monitor², temperature and blood pressure cuff) and began the induction of anesthesia after Patient E.M. was intubated.

10. Between 0730 to 0745 hours, Patient E.M. received 5 liters of oxygen and the oxygen saturation was 100%. Respondent bagged Patient E.M. two to three times before starting the anesthesia ventilator in automatic. Between 0805 to 0810 hours, after the intubation and induction of anesthesia, Respondent turned the table with Patient E.M. on it 180 degrees, and repositioned the monitors. At 0810 hours, while Patient's E.M.'s table was being turned, his oxygen saturation dropped significantly to 80%. The alarms did not sound. After Respondent returned to the foot of the table, she noticed a flat line and escape only on the EKG monitor. She notified the surgeon in the operating room and a Code Blue was called at about 0830 hours. Patient E.M.'s vital signs were restored but suffered irreversible brain damage and eventually passed away.

11. A comparison between the vital signs computer print out and Respondent's charting on the Intraoperative Record shows an example of the following discrepancies:

Vital Signs Print-Out

TIME	8:00	8:05	8:10	8:15	8:20	8:25	8:30
HR	81	84	94	54	73	32	19
NBP S	130	112	110	104	91	--	179
NBP D	92	66	71	49	67	--	161
SpO2	90	94	80	36	28	65	42

Intraoperative Record (charted by Respondent)

TIME	8:00	8:05	8:10	8:15	8:20	8:25	8:30
HR	66	66	83	80	74	74	--
NBP S	130	113	113	105	105	95	--
NBP D	60	60	65	59	65	59	--
SpO2	98	97	97	97	98	98	--
EtCO2	36	35	35	35	--	--	--

¹ The precordial is a small device which includes a tubing connected to an earpiece that allows the anesthetist to hear the patient's heart beat and breath sounds when placed on the patient's chest.

² The capnograph measures the exhaled end-tidal carbon dioxide or EtCO2.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)
4 in that Respondent committed unprofessional conduct in her treatment of Patient E.M. The
5 circumstances are as follows:

6 13. On or about May 11, 2006, Respondent charted inconsistent and/or inaccurate entries
7 on Patient E.M.'s Intraoperative Record. Complainant refers to and incorporates all the
8 allegations contained in paragraphs 9 – 11, as though set forth fully.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 117371, issued to Nancy
13 Ann Marsh, aka Nancy Ann Hancock;

14 2. Ordering Nancy Ann Marsh, aka Nancy Ann Hancock to pay the Board of Registered
15 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
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19

20 DATED: 5/12/10

21 *Louise R. Bailey*
22 LOUISE R. BAILEY, M.ED., R.N.
23 Interim Executive Officer
24 Board of Registered Nursing
25 State of California
26 Complainant
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